

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

NATIONAL TRUST
INSURANCE COMPANY,

Plaintiff,

v.

KLEIN CONTRACTING CORP.,
JOSEPH P. TUCCINARDI,
MICHELLE THOMPSON, and
LAURA ROSENCRANTZ,

Defendants.

Civil Action

File No.: 1:21-cv-03730-SDG

**PLAINTIFF NATIONAL TRUST INSURANCE COMPANY'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

COMES NOW Plaintiff, National Trust Insurance Company (hereinafter, "NTIC") and pursuant to FRCP 56, files this Motion for Partial Summary Judgment showing there is no genuine issue of material fact as to why NTIC's claim for Declaratory Judgment should not be decided in NTIC's favor and that NTIC is entitled to judgment as a matter of law.

In support of its Motion, Plaintiff NTIC relies on the following:

1. NTIC's Brief in Support of its Motion for Summary Judgment and the arguments and authorities contained therein;

2. Underlying Complaint, *Michelle Thompson and Laura Rosencrantz v. Klein Contracting Corp. and Joseph P. Tuccinardi*, Civil Action File No. 20A83659, filed December 4, 2020, a true and correct copy of which is attached hereto as **Exhibit A**;
3. Certified Commercial Auto Insurance Policy, Policy No. CA100003734-05, with Endorsement 002, with premium information redacted, attached as **Exhibit B**;
4. Certified Commercial Umbrella Policy, Policy No. UMB100015111-04, attached as **Exhibit C**;
5. Deposition transcript of Candace Klein, taken 5/12/2021, and the exhibits thereto, true and correct excerpts are attached hereto as **Exhibit D**;
6. Defendant Michelle Thompson's Responses to NTIC's Interrogatories; attached as **Exhibit E**; and
7. All pleadings and materials of record.

This 31st day of August, 2022.

Signature on following page

Goodman McGuffey LLP
Attorneys for National Trust Insurance Company

By: /s/ Stephanie F. Glickauf
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RULE 7.1 CERTIFICATE OF COMPLIANCE

The foregoing document is double spaced in 14-point Times New Roman font and complies with the type-volume limitation set forth in Local Rule 5.1C.

/s/ Stephanie F. Glickauf
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CERTIFICATE OF SERVICE

This is to certify that I electronically filed this **Motion for Partial Summary Judgment** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification to:

Briant G. Mildenhall, Esq.
Fried Goldberg LLC
3550 Lenox Road, NE, Suite 1500
Atlanta, GA 30326-4302
bmildenhall@friedgoldberg.com

This 31st day of August, 2022.

/s/ Stephanie F. Glickauf
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